

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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HILLCREST HOMES, INC., and ORION HOMES,  
INC.,

UNPUBLISHED  
September 15, 1998

Plaintiff-Appellees,

v

No. 196920  
Oakland Circuit Court  
LC No. 93-453121 NZ

EDWARD D. BINKOWSKI,  
a/k/a E. DON BINKOWSKI,

Defendant-Appellant,

and

WINCHESTER VI LTD., d/b/a RE/MAX  
PROFESSIONAL LTD., DOMINIC D. GERIC,  
ARTHUR L. SAARELA, ELIZABETH D. PAZDRO,  
DEBORAH L. LOUZECKY,  
CARL F. HARRIS, and SHIRLEY LITTLEFIELD,

Defendants.

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Before: Corrigan, C.J., and MacKenzie and R. P. Griffin\*, JJ.

PER CURIAM.

Defendant Edward D. Binkowski appeals as of right from a jury verdict in favor of plaintiffs on one count of tortious interference with an advantageous business relationship and one count of conspiracy to defraud. The remaining defendants have not appealed. We affirm.

Defendant Binkowski first argues that plaintiffs failed to establish a prima facie case of tortious interference with an advantageous business relationship because they did not prove the existence of a business relationship, show that he knew about any purported business relationship, or establish that he

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\* Former Supreme Court justice, sitting on the Court of Appeals by assignment.

acted wrongfully or maliciously. Defendant also argues that plaintiffs failed to establish a prima facie case of conspiracy to defraud. We disagree with both claims.

In reviewing a trial court's failure to grant a defendant's motion for a directed verdict or a judgment notwithstanding the verdict, we examine the testimony and all legitimate inferences that may be drawn in the light most favorable to the plaintiff. If reasonable jurors could honestly have reached different conclusions, the motion should have been denied. If reasonable jurors could disagree, neither the trial court nor this Court has the authority to substitute its judgment for that of the jury. *Matras v Amoco Oil Co*, 424 Mich 675, 681-682; 385 NW2d 586 (1986).

Viewed in a light most favorable to plaintiffs, the evidence showed that plaintiffs engaged in a joint venture to develop a subdivision, that they had a reasonable business expectancy with a neighboring property owner to purchase additional buildable lots to expand the subdivision, and that defendant Binkowski knew about the plans. *BPS Clinical Laboratories v Blue Cross & Blue Shield of Michigan (On Remand)*, 217 Mich App 687, 698-699; 552 NW2d 919 (1996); *Feldman v Green*, 138 Mich App 360, 369; 360 NW2d 881 (1984). In the context of a dispute over real estate, plaintiffs also had to prove that Binkowski either acted wrongfully or had an overriding purpose to injure plaintiffs. See *Meyering v Russell*, 393 Mich 770; 224 NW2d 280 (1974), reversing 53 Mich App 695, 709-713; 220 NW2d 121 (1974). See also *Hutton v Roberts*, 182 Mich App 153, 155; 451 NW2d 536 (1989).

Viewed in a light most favorable to plaintiffs, the evidence showed that Binkowski conspired with plaintiffs' real estate agent, Dominic Geric, to lead plaintiffs to believe that Geric was acting in their best interests, when in fact he was disclosing confidential information obtained during the course of that relationship to Binkowski, thereby enabling Binkowski to offer the seller \$1,000 more per buildable lot and close on the deal. The evidence showed that Binkowski and Geric intended that plaintiffs rely on Geric's representations, that plaintiffs trusted Geric and relied on his advice, and suffered economic damages as a result. See *Admiral Ins Co v Columbia Casualty Ins Co*, 194 Mich App 300, 312; 486 NW2d 351 (1992); see also *Phinney v Perlmutter*, 222 Mich App 513, 525; 564 NW2d 532 (1997). The trial court did not err in denying defendant's motion for directed verdict or judgment notwithstanding the verdict.

Lastly, Binkowski argues that the jury's verdict was excessive and duplicative and, therefore, the trial court erred in sua sponte refusing to order a remittitur. We again disagree. As Binkowski observes in his brief, the jury awarded plaintiffs lost profits for eleven buildable lots, using figures introduced in the trial court that showed plaintiffs' profits for the first phase of the subdivision. Because the award is supported by objective evidence on the record, there was no error. *Palenkas v Beaumont Hospital*, 432 Mich 527, 531-534; 443 NW2d 354 (1989).

Affirmed.

/s/ Maura D. Corrigan  
/s/ Barbara B. MacKenzie  
/s/ Robert P. Griffin

